

## Message Text

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PAGE 01 PARIS 07372 111831Z

15

ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 SCS-03

SCA-01 SAJ-01 ACDA-05 /069 W  
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R 111819Z MAR 76

FM AMEMBASSY PARIS

TO SECSTATE WASHDC 8751

INFO AMEMBASSY BERLIN

RUFHOLAMEMBASSY BONN 7498

AMEMBASSY BRUSSELS

AMEMBASSY MOSCOW

AMEMBASSY LONDON

AMEMBASSY ROME

C O N F I D E N T I A L PARIS 07372

E.O. 1L652: GDS

TAGS: OGEN, GF, BE, GW, IT, US, FR

SUBJECT: PARIS DISCUSSIONS ON GDR CONSULAR NEGOTIATIONS  
WITH WESTERN COUNTRIES: FRG STATEMENT

REF: PARIS 7251

1. FOLLOWING IS INFORMAL TRANSLATION BASED ON NOTES OF  
STATEMENT READ BY FRG REP (HAAS) AT PARIS MEETING ON  
GDR CONSULAR NEGOTIATIONS REFERRED TO IN REFTEL:

2. BEGIN TEXT: FOR THE FRG THE ISSUE IS ONE OF  
SAFEGUARDING ITS RIGHT TO EXERCISE CONSULAR PROTECTION  
OF GERMANS FROM THE GDR WHO REQUEST THE ASSISTANCE OF A  
REPRESENTATIVE OF THE FRG. THE FRG DOES NOT CLAIM TO  
HAVE ANY EXCLUSIVE RIGHT OF CONSULAR REPRESENTATION OF  
GERMANS OF GDR ORIGIN. BUT IT ALSO DOES NOT WISH TO  
ARRIVE AT THE POINT WHERE, DE JURE OR DE FACO, AN  
EXCLUSIVE RIGHT OF REPRESENTATION BY THE GDR WITH REGARD  
TO GERMANS FROM THE GDR IS RECOGNIZED OR EVEN TAKEN  
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PAGE 02 PARIS 07372 111831Z

UNDER CONSIDERATION. THAT WOULD CLEARLY NOT TAKE INTO

ACCOUNT THE WISHES (VOLONTE) OF THE PERSONS INVOLVED.

3. THE FRG RATHER DESIRES THAT GERMANS FROM THE GDR SHOULD BE ABLE TO CHOOSE FREELY WHICH OF THE TWO GERMAN STATES SHOULD ACCORD THEM CONSULAR PROTECTION.

4. IN THIS REGARD THE DESIRE ("VOLONTE") OF THE PERSONS INVOLVED IS A VERY CLEAR CRITERION, IN FACT THE ONLY VALID CRITERION, FOR RESOLVING CASES OF POSSIBLE CONFLICT WHEN BOTH GERMAN STATES SIMULTANEOUSLY CLAIM A RIGHT OF CONSULAR PROTECTION.

5. THESE ARE THE REASONS WHY THE FRG CONSIDERS THAT THE CONSULAR AGREEMENTS BETWEEN THE GDR AND THIRD COUNTRIES SHOULD CONTAIN NO FORMULA ON THE BASIS OF WHICH THE GDR MIGHT CLAIM EXCLUSIVE RIGHT OF CONSULAR PROTECTION OF GERMANS FROM THE GDR.

6. IN CASE FORMULAS USED IN CONSULAR AGREEMENTS TEND TO BE EVEN SLIGHTLY EQUIVOCAL, THIRD COUNTRIES CONCERNED OUGHT CLEARLY TO CONFIRM TO US OUR RIGHT TO EXTEND THE BENEFITS OF OUR CONSULAR PROTECTION TO ALL GERMANS WHO WISH IT. WHETHER SUCH CLARIFICATION IS NECESSARY AND WHAT FORM IT SHOULD TAKE, CAN ONLY BE DECIDED WHEN WE KNOW THE FORMULAS FORESEEN IN EACH ACCORD. IT IS ESPECIALLY IMPORTANT TO KNOW WHAT IS FORESEEN IN EACH ACCORD AS THE SUBJECTIVE CRITERION FOR DEFINING CATEGORIES OF PERSONS WHO CAN BENEFIT FROM CONSULAR PROTECTION OF THE GDR. AS I HAVE ALREADY INDICATED THAT CRITERION IS THE SUBJECTIVE WISH (VOLONTE) EXPRESSED BY THE PERSONS CONCERNED. END TEXT.  
RUSH

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## Message Attributes

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